

Review of Wetland Compensatory  
Mitigation in California  
*February - June 2008*

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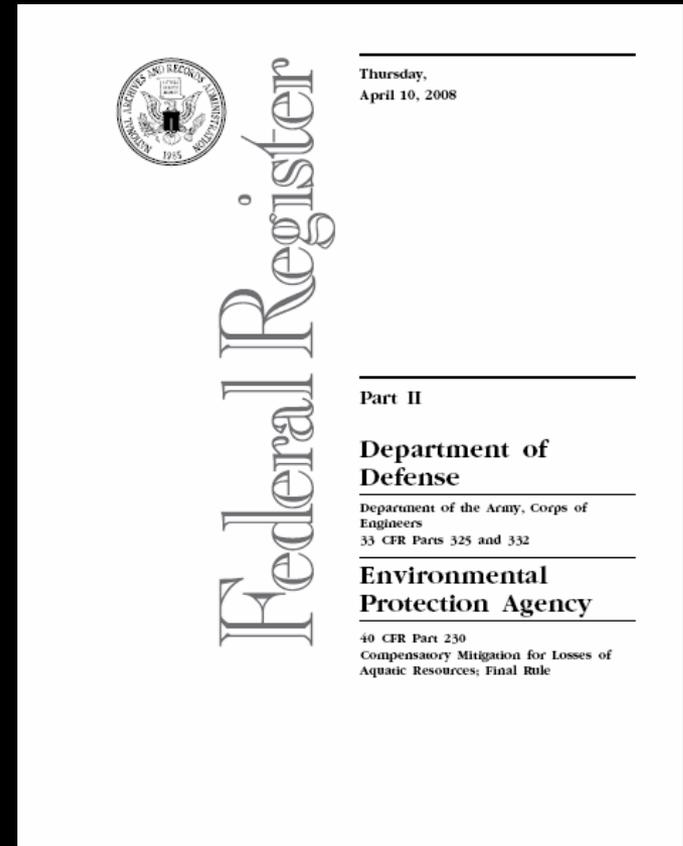


# The challenge



# Compensatory Mitigation for Losses of Aquatic Resources – Final Rule

- Effective June 8, 2008
- Joint rule-making (Corps & EPA)
- 5 years & over  
12,000 comments





# Key Messages

- **Emphasizes best available science**
  - Addresses all applicable NRC recommendations
- **Promotes innovation**
  - Encourages expansion of mitigation banking
- **Focuses on results**
  - Establishes sound and enforceable administrative requirements



# Required Elements of a Mitigation Plan

1. Project objectives
2. Site selection factors
3. Site protection instrument
4. Baseline information (at impact site and compensation site)
5. Credit determination methodology
6. Work plan
7. Maintenance plan
8. Performance standards
9. Monitoring requirements
10. Long-term management plan
11. Adaptive management plan
12. Financial assurances



# Benefits of Mitigation Banking

- Reduced uncertainty
- Assembles extensive financial, planning, and scientific expertise
- Reduced permit processing times more cost-effective
- Enables the efficient use of limited agency resources in the review and compliance monitoring of compensatory mitigation projects because of consolidation



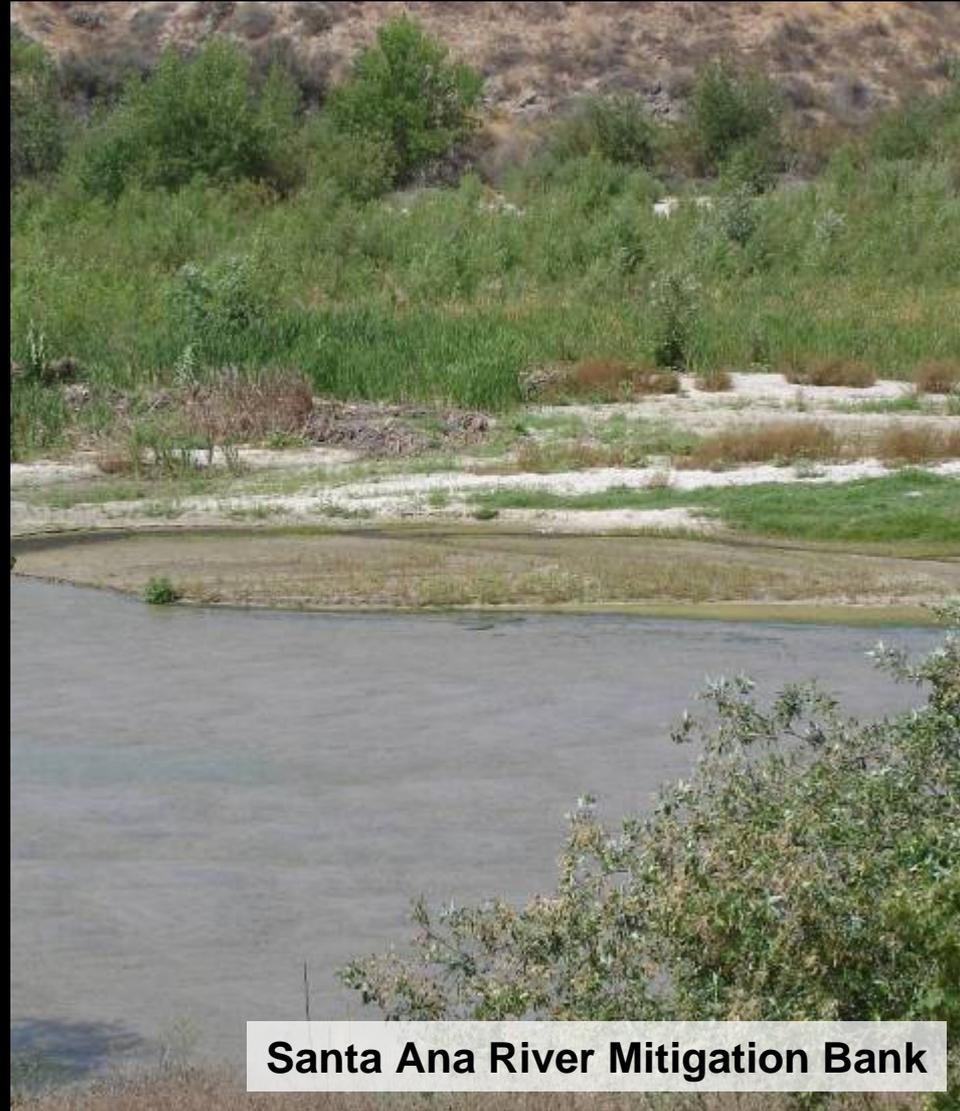
# Summary Statistics *by Corps District*

	Los Angeles	San Francisco	Sacramento	Total
# Historical pre-1992	10	3	0	13
# Banks	9	13	9	31
# ILFP	8	0	2	10
# Pending	7	31	15	53



# Summary Statistics

- >7,700 total acres included in all 31 CA banks
- >2,100 acres & 3.5 miles of created, enhanced, or preserved wetlands in those banks



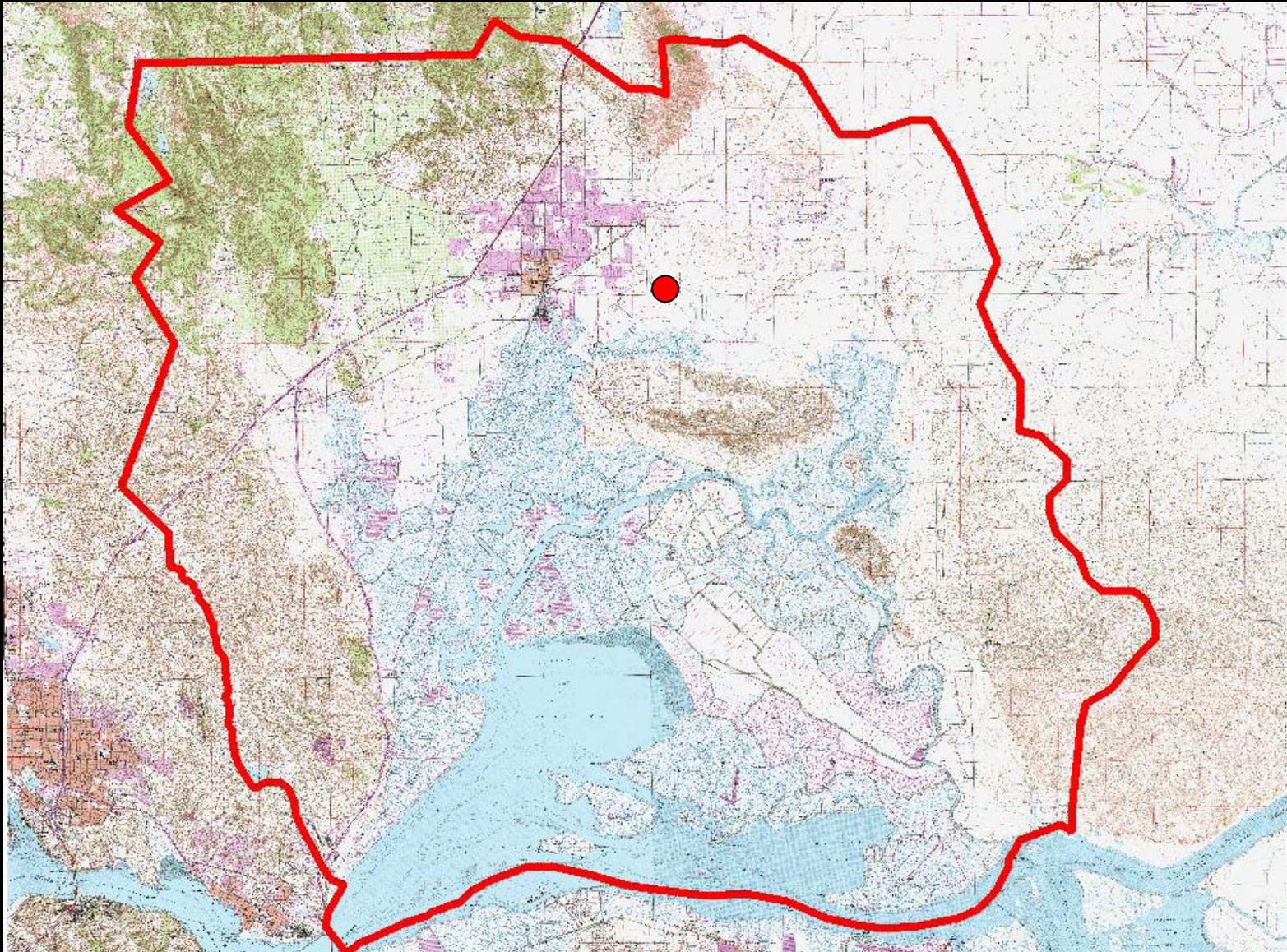
**Santa Ana River Mitigation Bank**

# Findings: *Service Areas*

- SF District banks had much smaller service areas
- Some were political boundaries, others included several basins
- Very little documentation to support service area
- Multiple service areas with conservation banks



# *Elsie Gridley (Sac/SF)*







# Site Visits

- We visited 15 mitigation sites across all 3 Corps Districts within California:
  - 9 Approved Mitigation Banks
  - 3 Permittee-responsible sites
  - 2 historic (pre-1995 guidance) banks
  - 1 ILFP



# The Good



Tidal wetlands restoration on Plummer Creek site.





# The Bad



“Vernal pool” at Desmond Mitigation Bank





# The Ugly



“Vernal pool” 98-6 at Granite One site



# *Bad Performance Standard*

Wetland “hydrology” is present when the soils are inundated or saturated to the surface (upper 12 in of soil) continuously for at least 5% of the growing season (18 days). No distinction is made among vernal pool, swale and other seasonal wetland habitat.



**Hazel Mitigation Bank**

# *Good Performance Standard*

Year 10 – Restored vernal pool acreage must be inundated or saturated during the rainy season for duration sufficient to support vernal pool plant communities and the depth and duration of inundation for the constructed pools is not significantly different than the reference pools (at a  $\leq 0.05$  or 95% confidence).



**North Suisun Mitigation Bank**



# Findings: *Lack of Oversight*

- Some Corps project managers knew the detailed status of banks, others hadn't noticed the absence of monitoring reports
- Very little detailed oversight on credit ledgers
- Reluctance to discount credits if pools were poorly performing



# Findings: *In-lieu Fee Programs*

- Good organizations doing good work
- Mostly enhancement
- Barely covering their construction costs (no long-term management)
- Feeling competition from banks



# Findings: *LA District ILFPs do not have the following:*

- Advance Planning of projects (before selling credits)
- Cap on advance credits
- Site protection (some have easements, not all)
- Baseline information
- Performance standards
- Maintenance plan & Long term management plan
- Financial Assurances or Endowment



# Recommendations: *ILFPs*



Santa Monica Mountains Conservancy native plant restoration along riparian corridors

- Need to identify projects in advance
- Improve monitoring
- Include the cost of long-term management in their pricing
- Fill an important role for areas that do not have other mitigation options



# Recommendations: *Performance Standards*

- Develop state/district guidance on performance standards and monitoring requirements
- Tie performance standards to reference conditions
- Include assessment methodology in standards and monitoring requirements



## Recommendations: *EPA/Corps Oversight*

- Approval process is unnecessarily slow  
–new review schedules in rule should help
- Keep track of banks after BEI is approved
- Conduct compliance visits during the one month floristic field season
- Better manage and track credit sales



Questions?

